

January 17, 2013

**Via Email and Federal Express**

John M. Scagnelli  
Scarinci Hollenbeck, LLC  
1100 Valley Brook Avenue  
P.O. Box 790  
Lyndhurst, NJ 07071

Re: Township of Lyndhurst — Passaic River Mile 10.9 Removal Action

Dear Mr. Scagnelli:

This letter responds, on behalf of the CPG, to your letter to Sarah Flanagan of January 15, 2013. The CPG appreciates the opportunity to have met with you and Lyndhurst officials on January 15, 2013 to discuss the Passaic River Mile 10.9 Removal Action ("Removal Action") the CPG will be undertaking in River in the vicinity of Riverside Park in Lyndhurst Township.

As we discussed during the meeting and as you requested, the CPG provides the following responses to the issues raised in your January 15 letter:

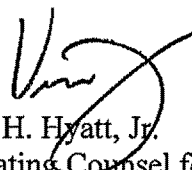
- The CPG has no reason to believe that the Removal Action activities will cause flooding in the Park as the CPG's activities will not result in any increase in the elevation of the existing river bed. The CPG will dredge to specific cut lines and will measure the amount of dredged material to ensure that the project specifications have been met. The CPG will then place the same amount of clean capping material to replace the dredged material that was removed. As a result, there will be no net increase in elevation related to the CPG's activities.
- The CPG will discuss the one time "cash out" payment to the Township for the cost of backflow preventers to be installed by the Township. As discussed, the Township will provide the CPG with a number that should not deviate significantly from the estimate attached to your October 9, 2012 letter to Ray Basso.
- The CPG will discuss security arrangements at the Park during the Removal Action with both Township and County representatives.
- The Removal Action will be conducted using state-of-the-art equipment and will be performed from barges on the water. No contaminated or clean materials will be transported, stored or staged on Lyndhurst or County property. Additionally, the Removal Action will be closely monitored for noise and odors to assure that no offensive

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conditions are created by the work. The dredging and capping will be conducted using operational controls which will be described in detail in the final design. The proposed monitoring and operational controls that are being discussed with EPA and NJDEP are included in Attachment A.

Please contact me with any questions.

Very truly yours,



William H. Hyatt, Jr.  
Coordinating Counsel for CPG

cc: Robert B. Giangeruso, Mayor, Township of Lyndhurst  
Richard J. DiLascio, Commissioner  
Helen Polito, Township Clerk  
Brian Intindola, Neglia Engineering  
Gary Cucchiara, Esq., Township Attorney  
Stephanie Vaughn, USEPA Region 2  
Sarah Flanagan, Esq., USEPA Region 2  
Bill Potter, de maximis  
CPG Members

## **Appendix A**

### **RM 10.9 Removal Action – Proposed Monitoring and Operational Controls**

Specifics of the CPG's monitoring program and subsequent operational controls will be detailed in the Final Design Report. Current plans being discussed with EPA and NJDEP are outlined below.

#### **Air Monitoring**

- Working with NJDEP's Air Permitting and Enforcement groups, the CPG will develop and implement perimeter monitoring for particulates, hydrogen sulfide and other vapors in the park and on the dredge plant (for river users) to monitor conditions during the removal action.
- Project activities will be modified and/or suspended should air monitors reveal any release above trigger values.
- Analysis and review of the RM 10.9 sediment data has led the CPG to conclude that there is little likelihood of particulates, vapors or odors being released in any significant level during the Removal Action.

#### **Noise Monitoring**

- Hand held noise monitors will be routinely deployed (weekly and as needed) to measure decibel levels and track sources of high readings throughout the Removal Action period.
- Calculations based on noise generated from diesel engines typical of those used to power an excavator, indicate that noise levels at the ball fields will be below community noise standards (applying NJ residential standards: 65 decibels (dba) 7 AM – 10 PM, 50 dba nighttime).
- There will be no routine banging noises associated with the Removal Action (e.g., no installation of sheet piling), and no nighttime activities.

#### **Solids and Turbidity Controls and Monitoring**

- The CPG will employ best management practices (BMPs) consistent with NJDEP dredging guidance and policy including the use of an "environmental dredge bucket," controlled rates for lowering and raising the bucket, and transport through a minimal water column (an average of 4 feet). A typically low river velocity (avg 0.82 ft/s) will also help keep re-suspension at the low end of ranges provided in USACE guidance.
- Deployment of silt curtains around the dredge plant will further reduce transport of resuspended sediment from the removal area.
- Turbidity will be continuously monitored at upstream and downstream locations; comparison with established trigger levels will lead to a possible change in dredging rates and operations.

### Hydrologic Monitoring

- Weather including tropical storm paths will be reviewed daily. On-river operations will be shut down and equipment secured well in advance of any storm that could result in high flows.
- A dredging work schedule that considers the daily and monthly tidal cycles to take advantage of low tides (where re-suspension will be minimized) and to avoid near-shore operations during spring high tides where water levels may approach Township storm water outlets.